IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 1517 of 2007(E)

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PETITIONER:

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BEEFATHU, W/O.LATE I.BASHIR,
PUDIYEDATH HOUSE, MUTTOM, ALUVA.
BY POWER OF ATTORNEY HOLDER P.H.MUHAMMED ALI,
S/O.HYDROSE, PUDIYEDATH HOUSE,
MUTTOM, ALUVA.

BY ADV. SRI.K.DIVAKARAN NAIR
SRI.D.VINOD NAIR

RESPONDENTS:

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THE SECRETARY, PANJAL PANCHAYATH,
THRISSUR DISTRICT.

BY ADV. SRI.T.M.CHANDRAN
SRI.S.SUJITH
SRI.V.A.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**PIUS C. KURIAKOSE, J.**

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W.P.(C) No. 1517 OF 2007

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Dated this the 19th day of January, 2007

**JUDGMENT**

The petitioner, a contractor who has been awarded with the work of construction of swimming pool for the Fire Force Department is aggrieved in that the respondent-Panchayat is not issuing passes for transportation of river sand which is absolutely necessary for completing the work. According to the petitioner, as per Ext.P2 proceedings of the Superintending Engineer, she is obliged to complete the work on or before 23.04.07, failing which she will have to pay fine and to face other harsh consequences.

2. A very detailed counter affidavit has been filed by the Panchayat denying the averments in the Writ Petition.

3. Perusal of all the documents submitted by the respondent will show that non-issuance of passes by the Panchayat for river sand was not the only reason which caused delay in the matter of completion of work. However, there may not be any justification for denying relief to the petitioner in this Writ Petition since she is badly in need of river sand so as to enable her to complete the work within the time limit. Accordingly, the Writ Petition will stand disposed of with the following directions:

Respondent Panchayat will issue passes to the petitioner for transportation of a total of 84 lorry loads of river sand at the rate of minimum of two passes per day. If on a given day, due to non-availability of workers or any other genuine reasons the Panchayat is unable to issue two passes, the Panchayat will issue at least one pass. At any rate passes in respect of all the 84 lorry loads which are necessary for the petitioner to complete the work should be issued to the petitioner in such a manner as to enable the petitioner to complete the work within the time limit itself. The petitioner shall approach the Panchayat requesting to issue passes along with a copy of this judgment and then only need the Panchayat issue passes.

**PIUS C. KURIAKOSE, JUDGE**

btt